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August 31, 2000

Mr. David Waddell
Executive Secretary
Tennessee Regulatory Authority
360 James Robertson Parkway
Nashville, TN 37201

Re: Tariff Filings by all Telephone Companies Regarding Reclassification of
Pay Telephone Service as Required by FCC Order 96-439
Docket No. 97-00409

Dear Mr. Waddell:

Please accept for filing the original and thirteen copies of the Tennessee Payphone Owners Association's response to the Consumer Advocate Division's Motion to Compel. Copies have been provided to parties of record.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

Henry Walker
By: Henry Walker *HW*

HW/nl
Enclosure

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

**IN RE: TARIFF FILINGS BY LOCAL EXCHANGE COMPANIES TO COMPLY
 WITH FCC ORDER 96-439 CONCERNING THE RECLASSIFICATION OF
 PAY TELEPHONES**

DOCKET NO. 97-00409

**RESPONSE OF TENNESSEE PAYPHONE OWNERS ASSOCIATION TO THE
CONSUMER ADVOCATE'S MOTION TO COMPEL**

The Tennessee Payphone Owners Association ("TPOA") supports the Motion to Compel discovery filed by the Consumer Advocate Division ("CAD") against United Telephone-Southeast ("United").¹

The purpose of this proceeding is to fix cost-based rates for payphone access lines. The Federal Telecommunications Act of 1996 assigns this responsibility to the FCC which, in turn, has delegated to state regulatory commissions the duty of establishing payphone rates in accordance with the FCC's rules and orders. On March 2, 2000 the FCC's Common Carrier Bureau issued an order (the Wisconsin Payphone Order) spelling out how the state commissions are supposed to do that.

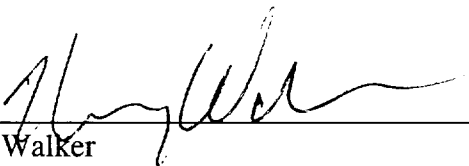
¹ The CAD also proposes that the procedural schedule in this case be modified but makes no specific suggestion. The present schedule requires United to file "proposed payphone access line rates with detailed cost support" by September 15, 2000. If the Motion to Compel is granted, United should be directed to comply with the CAD's discovery request by submitting a forward looking cost study on that date.

It is apparent from United's response to the CAD's discovery that United intends to disregard the Wisconsin Payphone Order which requires United to file a forward-looking, (TELRIC/TSLRIC) cost study showing both the direct and overhead costs of payphone service. Arguing that the Wisconsin Order is "misguided," United proposed instead to rely on a three-year-old "embedded cost study" to establish payphone rates. See Response to Question 6.

Unless United files cost study information that complies with the Wisconsin Order, the TRA will not have a sufficient basis upon which to establish payphone rates in accordance with the FCC's directions. Under the circumstances, the TRA will have no choice but to assume, in the absence of any evidence to the contrary, that United's forward looking costs are the same as BellSouth's and to fix rates accordingly.

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

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CERTIFICATE OF SERVICE

I hereby certify that on 12/31/00, 2000 a copy of the foregoing document was served on the parties of record, via U.S. Mail, addressed as follows:

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